IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 13260 of 2004

Between:

N. Rama Devi W/o. Ravendraprasad Babu
D.No.22/57, Dadivari Street, Big Bazaar, Nellore-1, Nellore District.

..... PETITIONER

AND

The Commissioner, Nellore Municipality, Nellore, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ of Mandamus, declaring the inaction of the respondent in conducting leasehold rights by way of public auction in respect of Dycus road market, Nellore-1 as illegal, arbitrary and contrary to the provisions of A.P. Municipalities Act 1965 and rules made thereunder and consequently direct the respondent to conduct auction for lease hold rights in respect of Dycus road market, Nellore-1 .

Counsel for the Petitioner: MR.V.NARAYANA REDDY, Advocate.

Counsel for the Respondent: MR.DEGALA SRINIVAS, S.C.

for Municipalities.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioner and also learned Standing Counsel for the respondent—Municipality.

Rule Nisi.

The respondent-Municipality issued notification dated 17-06-2004 for conferring lease hold rights to collect the fees from the vendors who are selling products in Dycus Road Municipal Market, Nellore. Petitioner who was a contractor for the previous year i.e. 2003-2004 filed the present writ petition complaining in spite of issuing notification the respondent is not conducting any auction and due to the inaction of the respondent, the municipality is incurring heavy loss and the petitioner is losing his right to participate in the auction.

Learned standing counsel for the respondent-Municipality submits that questioning the impugned notification W.P.No.10169 of 2004 was filed before this Court and obtained stay. In view of the same, respondent-Municipality is collecting the fee from the vendors through its employees. The said writ petition was disposed of on 07-07-2003 with a direction to consider the representation made by the petitioner therein before proceeding with the auction and the municipality is now contemplating to proceed with the auction by issuing necessary notification.

In view of the same, the respondent—municipality is at liberty to proceed with the auction on disposal of the representation made by the petitioner in W.P.No.10169 of 2004 as directed by this Court in the said writ petition.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Commissioner, Nellore Municipality, Nellore, Nellore District.

2.Two CD copies.